(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

WRIT PETITION NO.160 of 2004

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Shri S. S. Kantak, advocate for the petitioner.

Shri S. R. Rivankar, Government Advocate for respondent nos. 1 & 2.

CORAM : S. A. BOBDE &
N. A. BRITTO, JJ.

DATE : 21st June, 2004

P.C.:

The petitioner challenges the Order dated 23rd March, 2004, passed by the Additional Collector-II, North Goa.

2. By the impugned Order, which is cryptic, the Court has rejected the petitioner's case for regularization of his alleged encroachment on the ground that "no any documentary evidence" in support has been produced. The learned counsel for the petitioner has pointed out several documents which he had filed in support of the

contention that he was on the land in question as on 15th June, 2000. None of these documents have been considered.

3. An attempt has been made before this Court to justify the Order on other grounds. This cannot be permitted in view of the settled position in law laid down in the case of **Commissioner of Police, Bombay vs. Gordhandas Bhanji,** reported in AIR (39) 1952 S.C. 16 wherein it has been reiterated:-

> "We are clear that public orders, publicly made, in exercise of a statutory authority cannot be construed in the light of explanations subsequently given by the officer making the order of what he meant, or of what was in his mind; of what he intended to do. Public orders made by public authorities are meant to have public effect and are intended to affect the actings and conduct of those to whom they are addressed and must be construed objectively with reference to the language used in the order itself."

3. The impugned order is,

therefore, set aside and the respondent no.2 is directed to consider the evidence produced by the petitioner and after hearing the petitioner give a reasoned order. The petitioner shall be allowed to produced such additional evidence as he may desire, within a period of four weeks from today.

Petition disposed of.

S. A. BOBDE, J.

N. A. BRITTO, J.

mc.